



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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MEMORANDUM

TO: Board of Oil, Gas and Mining

FROM: James W. Smith, Jr., Coordinator of Mined Land Development *JS*

SUBJECT: Possible Unpermitted Mining Activity Along the Colorado River and
Potential Mercury Contamination Near Dewey Bridge, Utah -
ACT/019/011, DOE/019/024

DATE: June 15, 1983

Background:

A situation has developed in Township 23 South, Range 24 East, Sections 17 and 18, at the southeast corner of the Dewey Bridge which crosses the Colorado River. This has been the site of an existing gravel pit, and lately the subject of a possible unregulated placer mining activity. Several claimants, lessors and sublessors have occupied the site in question, all allegedly under the sole direction of a single operator or company, Robert Barnes of Barnes and Branscom Mining Company. Operations have continued irregularly for the past several years including a haphazard array of pits, cuts, trenches and gravel pits extending over approximately 20 acres. The Division, as well as the Bureau of Land Management (BLM), may possibly have jurisdiction over the activity, should the 1982-issued small area exemptions for less than two acres and five acres, respectively be determined invalid in light of the sole operator's (Barnes) responsibility for the entire area. Information has recently been obtained by the Division which may establish this connection, requiring the operator to submit a Mining and Reclamation Plan (MRP) for approval in accordance with the rules and regulations of the Utah Mined Land Reclamation Act.

Further need requiring a detailed mining and reclamation plan from the operator is evidenced by the results of recent samples collected by the Division Technical Staff indicating direct soil contamination with mercury used by the operator (Barnes) in gold concentrating processes on-site. The State Department of Health, Bureau of Water Pollution Control, working in conjunction with the Division, has issued a Cease and Desist Order preventing any additional site activity.

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Request:

The Division asks at this time that the Board issue an Order to Show Cause requiring Mr. Robert J. Barnes to appear before the Board at its July 1983 hearing and establish why he shall not be required to file a Mining and Reclamation Plan in accordance with Titles 40-8-7(g) and 40-8-13. This appearance is necessary to establish applicability of Title 40-8-8 and to uphold objectives of the Act listed under Title 40-8-12(a), (b) and (c).

Also included in this request for an Order to Show Cause is a requirement for Mr. Barnes to produce any records, copies of leases or agreements between himself and/or B & B Mining Company; Diamin; Diatex, Inc.; Dav-tex Corporation; H. R. Davidson; Engle Industries; Merrell Herod; or any other parties concerning the related mining claims (Poor Boy 1-5), in accordance with Title 40-8-8(2).

These items may be discussed during the Thursday briefing session.

JWS/TNT:btb